

AMENDED IN ASSEMBLY AUGUST 7, 2006

AMENDED IN SENATE APRIL 24, 2006

AMENDED IN SENATE APRIL 6, 2006

AMENDED IN SENATE MARCH 27, 2006

SENATE BILL

No. 1806

Introduced by Senator Figueroa
(Principal coauthor: Assembly Member Levine)

February 24, 2006

An act to add Section 597.7 to the Penal Code, relating to animals.

LEGISLATIVE COUNSEL'S DIGEST

SB 1806, as amended, Figueroa. Animals: abuse.

Existing law provides that any person who subjects any animal to needless suffering, or inflicts unnecessary cruelty upon an animal, or in any manner abuses any animal or fails to provide an animal with proper food, drink, or shelter or protection from the weather is guilty of a crime punishable by a fine not exceeding \$20,000, imprisonment in a county jail, imprisonment in the state prison, or both fine and imprisonment.

This bill would state findings and declarations regarding the consequences of leaving companion animals unattended inside closed vehicles in the heat. This bill would provide that leaving or confining an animal in any unattended motor vehicle under conditions that endanger the health or well-being of an animal due to heat, cold, lack of adequate ventilation, or lack of food or water, or other circumstances that could reasonably be expected to cause suffering, disability, or death to the animal is a crime punishable by a fine, imprisonment in a county jail, or both fine and imprisonment, as

specified. Because this bill would create a new crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares all of the
2 following:

3 (a) Leaving companion animals unattended inside closed
4 vehicles in the heat, even for short periods of time, has caused
5 severe injury and death to animals.

6 (b) Moderately warm temperatures outside can quickly lead to
7 deadly temperatures inside a closed car, for example, within one
8 hour an outside temperature of 72 degrees Fahrenheit can cause
9 unhealthful conditions inside a vehicle that can adversely affect
10 the health, safety, or well-being of an animal.

11 (c) With the vehicle windows left slightly open, an outside
12 temperature of 85 degrees can cause a temperature of 102
13 degrees inside a vehicle within 10 minutes, and 120 degrees
14 within half of an hour. A healthy dog, whose normal body
15 temperature ranges from 101 to 102.5 degrees, can withstand a
16 body temperature of 107 to 108 for only a short time before
17 suffering brain damage or death.

18 (d) Numerous organizations and individuals have worked to
19 educate pet owners of the dangers of leaving animals unattended
20 in vehicles in the heat, however, it is well established that
21 educational approaches by themselves do not improve safety
22 behavior. To be effective, educational approaches must be
23 integrated with enforcement activities.

24 (e) It is, therefore, the intent of the Legislature to improve
25 animal health and safety by both encouraging continued public
26 education as well as discouraging this activity by imposing a

1 penalty upon persons who leave or confine an animal in an
2 unattended motor vehicle.

3 SEC. 2. Section 597.7 is added to the Penal Code, to read

4 597.7. (a) No person shall leave or confine an animal in any
5 unattended motor vehicle under conditions that endanger the
6 health or well-being of an animal due to heat, cold, lack of
7 adequate ventilation, or lack of food or water, or other
8 circumstances that could reasonably be expected to cause
9 suffering, disability, or death to the animal.

10 (b) Unless the animal suffers great bodily injury, a first
11 conviction for violation of this section is punishable by a fine not
12 exceeding one hundred dollars (\$100) per animal. If the animal
13 suffers great bodily injury, a violation of this section is
14 punishable by a fine not exceeding five hundred dollars (\$500),
15 imprisonment in a county jail not exceeding six months, or by
16 both a fine and imprisonment. Any subsequent violation of this
17 section, regardless of injury to the animal, is also punishable by a
18 fine not exceeding five hundred dollars (\$500), imprisonment in
19 a county jail not exceeding six months, or by both a fine and
20 imprisonment.

21 (c) (1) Nothing in this section shall prevent a peace officer,
22 humane officer, or an animal control officer from removing an
23 animal from a motor vehicle if the animal's safety appears to be
24 in immediate danger from heat, cold, lack of adequate
25 ventilation, lack of food or water, or other circumstances that
26 could reasonably be expected to cause suffering, disability, or
27 death to the animal.

28 (2) A peace officer, humane officer, or animal control officer
29 who removes an animal from a motor vehicle shall take it to an
30 animal shelter or other place of safekeeping or, if the officer
31 deems necessary, to a veterinary hospital for treatment.

32 (3) A peace officer, humane officer, or animal control officer
33 is authorized to take all steps that are reasonably necessary for
34 the removal of an animal from a motor vehicle, including, but not
35 limited to, breaking into the motor vehicle, after a reasonable
36 effort to locate the owner or other person responsible.

37 (4) A peace officer, humane officer, or animal control officer
38 who removes an animal from a motor vehicle shall, in a secure
39 and conspicuous location on or within the motor vehicle, leave
40 written notice bearing his or her name and office, and the address

1 of the location where the animal can be claimed. The animal may
2 be claimed by the owner only after payment of all charges that
3 have accrued for the maintenance, care, medical treatment, or
4 impoundment of the animal.

5 (5) This section does not ~~effect~~ *affect* in any way existing
6 liabilities or immunities in current law, or create any new
7 immunities or liabilities.

8 (d) Nothing in this section shall preclude prosecution under
9 both this section and Section 597 or any other provision of law,
10 including city or county ordinances.

11 (e) Nothing in this section shall be deemed to prohibit the
12 transportation of horses, cattle, pigs, sheep, poultry or other
13 agricultural animals in motor vehicles designed to transport such
14 animals for agricultural purposes.

15 ~~(f) Notwithstanding any other provision of law, 50 percent of~~
16 ~~the fines collected for violations of this section shall be allocated~~
17 ~~to the development of community education programs on the~~
18 ~~dangers associated with leaving animals unattended in motor~~
19 ~~vehicles.~~

20 SEC. 3. No reimbursement is required by this act pursuant to
21 Section 6 of Article XIII B of the California Constitution because
22 the only costs that may be incurred by a local agency or school
23 district will be incurred because this act creates a new crime or
24 infraction, eliminates a crime or infraction, or changes the
25 penalty for a crime or infraction, within the meaning of Section
26 17556 of the Government Code, or changes the definition of a
27 crime within the meaning of Section 6 of Article XIII B of the
28 California Constitution.